

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

<b>ROBERT McFEETER,</b>	:	<b>CASE NO. C-1-01-900</b>
	:	<b>(Beckwith, J.; Hogan, M.J.)</b>
<b>PLAINTIFF,</b>	:	
	:	
<b>vs:</b>	:	<b><u>MEMORANDUM IN RESPONSE</u></b>
	:	<b><u>TO DEFENDANT'S MOTION</u></b>
<b>CITY OF MIDDLETOWN</b>	:	<b><u>IN LIMINE</u></b>
<b>POLICE DEPARTMENT, et al.,</b>	:	
	:	
<b>DEFENDANTS.</b>	:	
	:	

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Now comes the Plaintiff, by and through counsel, and hereby submits the following Memorandum in response to Defendants' Motion in Limine filed November 17, 2004.

Respectfully submitted,  
/s/ **James D. Ruppert**

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Joshua G. Burns (0074361)  
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**MEMORANDUM**

Defendants move to prevent the Plaintiff from introducing evidence or testimony regarding the termination of Defendant Officer Kathy Jones from her position as police officer with the City of Middletown, Ohio. Defendants' grounds for the Motion in Limine of the evidence bears no relevance or probative value to the case at bar regarding the 42 U.S.C. 1983 action of Mr. McFeeter.

Plaintiff states that the Defendants' motion is well taken and appropriate on its face. However, the introduction of such evidence should in fact be allowed for impeachment purposes should the Defendants open the door to such testimony at trial. Obviously, the introduction of such evidence would only be submitted with approval of the Court, however, until Defendant Kathy Jones testifies at trial, there is no way to know whether the introduction of the evidence of Defendant's termination would be appropriate. Therefore, Plaintiff requests that this Court overrule Defendants' Motion in Limine regarding the use of evidence or testimony regarding Kathy Jones' termination as a City of Middletown police officer for impeachment and credibility purposes only.

WHEREFORE, Plaintiff requests this Court deny Defendants' Motion in Limine as set forth above.

Respectfully submitted,

**/s/ James D. Ruppert**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded, by ordinary U. S. Mail, this 24<sup>th</sup> day of November, 2004, to the following:

Mr. Konrad Kircher

Attorney for Defendants: Kathy Jones, Kenneth Mynhier, John Spicer, James Brammer  
and Mary Jones

The Offices of White Blossom  
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**/s/ James D. Ruppert**

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